



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
RIBADEAU-DUMAS et al)
Serial No. : 09/305,178) Art Unit: 1761
Filed: May 4, 1999) Examiner: DUBOIS, P.

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10-2501
QW

For : A SWEETENING COMPOSITION AND ITS USES.

DECLARATION UNDER RULE 132

To Honorable Commissioner of Patents and Trademarks
Washington, D.C.

Sir :

I, Guillaume RIBADEAU DUMAS, of 18, rue Claude Monet 59237 VERLINGHEM do solemnly declare :

THAT I have been working with the firm ROQUETTE FRERES since 1992 and that I now hold the position of Manager of Food Applications department ;

THAT I am a named inventor on the present patent application n° 09/305,178 and that I am fully familiar therewith ;

THAT I have read and understood the Office Action of August 28, 2001 in connection with the present patent application ;

THAT I am also a named inventor on US patent n° 5,470,591 (Ribadeau - Dumas) cited by the Examiner during prosecution of the present application, and that I have read and understood US 5, 314,701 (Mentink) also cited by the Examiner ;

THAT the term "microcrystallized surface layer" in the present invention means a surface where a crystallization occurred, said crystallization giving rise to "microcrystals", i.e., crystals which are not visible by the naked eye and do not modify the visual aspect of the boiled sugar;

THAT, during storage, boiled sugars commonly undergo modifications if they are not sufficiently stable;

THAT, such transformations can be the result of either a crystallization which can occur on the surface of the boiled sugar, said crystallization is known as "turning phenomenon", and renders the outer surface totally opaque and white, or a crystallization which occurs in the core of the boiled sugar and which gives the boiled sugar a "graining" aspect;

THAT, the "microcrystallized surface layer" can thus never be assimilated to the "crystallized layer";

THAT, the presence of a microcrystallized surface layer is the direct consequence of the selection of the two specific components of the boiled sugar according to the invention, i.e. the weakly soluble polyol and the specific pyrodextrin as anti-crystallizing agent ;

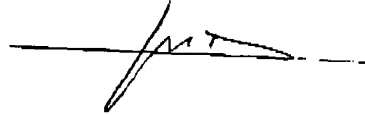
THAT, the selection of both components allows the control of the crystallization in such a way that only an outer layer of microcrystals is formed and not a crystallization in the core of the boiled sugar ;

THAT, crystallization of polyols depends on their solubility ;

THAT, the means for controlling maltitol crystallization cannot be identical to the means for controlling crystallization of polyols presenting very different solubilities.

I, the undersigned, declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001, of Title 18, of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 13th October, 2001.

A handwritten signature in dark ink, consisting of a stylized 'G' followed by 'RIBADEAU-DUMAS', written over a horizontal line.

Guillaume RIBADEAU-DUMAS